

Rev. 11/15/13

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

IN RE: **Rosa Lee Warren**  
**Jerry Wayne Warren**  
Debtor(s)

Case No.  
Chapter 13 Proceeding

**DEBTOR(S)' CHAPTER 13 PLAN**      ☐ **AMENDED**  
**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

**Plan Summary**

- A. The Debtor's Plan Payment is scheduled at \$586.15 Bi-Weekly [ ☒ Pay Order, ☐ Direct Pay ]  
for 60 months. The gross amount to be paid into the plan is \$76,200.00.
- B. The Plan proposes to pay all allowed priority, special class and secured claims and approximately 1% of the unsecured  
allowed claims. THIS PLAN DOES NOT ALLOW CLAIMS. You must file a proof of claim to receive distributions under any plan.  
Other than adequate protection payments, disbursements will begin after entry of an order of confirmation of the plan.
- C. Value of non-exempt assets \$0.00.
- D. Current monthly income \$3,703.15, - expenses \$2,435.00 = available for plan \$1,268.15.
- E. The total amount to be paid into the Plan shall be increased for tax refunds as set forth in the Standing Order for Chapter 13 Case  
Administration in this Division. These additional receipts shall be disbursed according to the provisions of the Plan. The IRS  
or the Debtor(s) are directed to forward refund to the Trustee.

**Special Plan Provisions**

None.

**Plan Provisions**

**I. Vesting of Estate Property**

Upon confirmation of the plan, all property of the estate shall vest in the Debtor(s), and shall not remain as property of the estate  
subject to the automatic stay of 11 U.S.C. §362.

**II. Executory Contracts/Unexpired Leases/Contracts for Deed**

Pursuant to 11 U.S.C. § 1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to assume the following executory  
contracts, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. § 1322(b)(7) of the Bankruptcy Code, the Debtor(s) hereby elects to reject the following executory  
contracts, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

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Continuation Sheet # 1

**III. Specific Treatment for Payment of Allowed Claims**

**1. DIRECT PAYMENTS BY DEBTOR TO CREDITORS; SURRENDER OF COLLATERAL**

A. Debtor shall pay the following creditors directly:

Creditor Name	Remarks	Debt Amount	Monthly Payment
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B. Debtor shall surrender the following collateral:

Creditor Name / Collateral Surrendered	In Full Satisfaction (Yes/No)	Debt Amount
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C. Creditor's Direct Communication With Debtors

Creditors whose claims are scheduled to be paid directly by the debtor(s), including creditors with claims secured by real property or vehicles, are authorized to send monthly statements to the debtor(s). They are also authorized to communicate directly with the debtor(s) in response to a debtor's questions about monthly payments, escrow accounts, account balances, increases in monthly payments, and other routine customer service inquiries.

**2. PAYMENTS BY TRUSTEE**

A. Administrative Expenses (including Attorney's fees)  
*The Trustee may receive up to 10% of all sums received.*

Creditor	Estimated Amount of Debt	Monthly Payment Amount
The Law Offices of Douglas J. Powell, P.	\$2,499.00	Month(s) 1-9 \$250.00 Month(s) 10-10 \$249.00

B. Ongoing Mortgage Payments

The Trustee shall pay all post-petition monthly mortgage payments on claims against real property that were delinquent on the petition date ("Ongoing Mortgage Payments"). The Ongoing Mortgage Payments will be in the amount stated in the allowed proof of claim or as fixed by Court order. If the debtor makes a Plan payment that is insufficient for the Trustee to disburse all Ongoing Mortgage Payments required below, such payments will be disbursed in the order listed below. The Trustee shall hold debtor payments until a sufficient amount is received to make a full Ongoing Mortgage Payment. The debtor shall provide to the Trustee all notices received from Mortgage Creditors including statements, payment coupons, impound and escrow notices, default notifications, and notices concerning changes of the interest rate on variable interest rate loans. The automatic stay is modified to permit Mortgage Creditors to issue such notices. Changes to the monthly Ongoing Mortgage Payment or the addition of post-petition mortgage fees and charges shall be effectuated pursuant to the *Standing Order Relating to Ongoing Mortgage Payments in Chapter 13 Cases in the Austin Division*.

Mortgage Creditor / Property Address	Monthly Mortgage Payment (proof of claim controls)	Monthly Late Charge	Interest Rate (for information only)	Payment Due Date (per contract)	Paid by Trustee OR Paid Direct by Debtor (select one)
Briarcreek Owners Assoc., Inc. Homestead	Pro-Rata		0%		Trustee

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*Continuation Sheet # 2*

Ocwen Federal Bank FSB Homestead	\$872.00	0%	Trustee
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**C. Secured Claims - Real Property; Mortgage Arrearage**

The plan will cure pre-petition arrearage claims pursuant to the payment schedule set forth in the plan. The amount of the mortgage arrearage claim to be paid through the plan will be the amount of the mortgage creditors' allowed proof of claim, unless a different amount is established by court order. The amount set forth in the proposed plan and any subsequent order confirming the plan is an estimate only and is not binding on the Debtor(s) or the mortgage creditor and is not an admission on the part of the Debtor(s) nor does it prohibit the Debtor(s) from filing an objection to the mortgage creditor's claim. Unless funds are available to pay all classes on a monthly basis, secured claims will be paid ahead of unsecured claims.

Creditor / Property Address / Description of Collateral	Estimated Claim	Mo. Pmt or Method of Disbursement	Interest Rate (if applicable)	Other Remarks
Ocwen Federal Bank FSB Homestead	\$12,370.00	Pro-Rata	0%	

**D. Secured Claims - Personal Property; Adequate Protection Payments; *MOTIONS TO VALUE COLLATERAL***

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the full amount of the claim, as specified below, plus interest thereon at the rate specified in this Plan. FAILURE OF THE SECURED CREDITOR TO OBJECT TO THE PROPOSED VALUE WILL BE DEEMED ACCEPTANCE OF THE PLAN UNDER SECTION 1325(a)(5)(A). Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section III(2)(E).

In the first disbursement following the filing of a claim by a creditor holding an allowed claim secured by personal property, the Trustee shall commence making adequate protection payments in the amount set out below, unless otherwise ordered by the Court. Such payments shall cease upon confirmation of the plan.

Unless funds are available to pay all classes on a monthly basis, secured claims will be paid ahead of unsecured claims.

Creditor/Collateral	Adequate Protection Payment	Other Treatment/Remarks
A+ F.C.U. 2008 Saturn Aura with 130,000 miles	\$200.00	

The Debtor moves to value collateral described below in the amounts indicated. The Debtor(s) declares, under penalty of perjury, that the foregoing values as stated in the above Motion and the Plan for the secured debt are true and correct and to the best of their knowledge represent the replacement value, pursuant to Section 506(a)(2), of the assets held for collateral.

**/s/ Rosa Lee Warren**  
Rosa Lee Warren, Debtor

**/s/ Jerry Wayne Warren**  
Jerry Wayne Warren, Joint Debtor

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*Continuation Sheet # 3*

Objections to Valuation of collateral proposed by this plan must be filed no later than fourteen (14) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan. Following confirmation of the plan, monthly payments shall be made as follows:

Creditor / Collateral	Est. Claim	Value of Collateral	Monthly Payment	Interest Rate	Pay Value of Collateral (OR) Pay Full Amount of Claim (select one)
A+ F.C.U. 2008 Saturn Aura with 130,000 miles	\$6,286.00	\$6,800.55	Pro-Rata	4.25%	Pay Full Amount of Claim
Aqua Finance, Inc. Water softener	\$1,684.23	\$400.00	Pro-Rata	3.5%	Pay Value of Collateral
Conn's Washer, Dryer, Refrigerator, King Mattress, Microwa	\$3,338.00	\$1,350.00	Pro-Rata	3.5%	Pay Value of Collateral

Secured creditors shall retain their liens on the collateral which is security for their claims until the earlier of the payment of the underlying debt determined under non-bankruptcy law, or discharge under 11 U.S.C. Section 1328. In addition, if this case is dismissed or converted without completion of the plan, such liens shall also be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

**E. Priority Creditors**

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along With Secured Creditors	Monthly Payment or Method of Disbursement
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F. General Unsecured Creditors, [including claims from rejection of contracts, leases and contracts for deed]. The Trustee will pay allowed general, unsecured claims unless otherwise ordered by the Court. Unless otherwise provided below, payments to creditors with allowed general unsecured claims shall be made on a pro rata basis as funds become available after payment of other creditors. It is estimated that distribution to the general unsecured creditors will commence in the 55th month of the Plan.

**G. Cure claims on Assumed Executory Contracts, Contracts for Deed & Leases:**

Creditor	Estimated Amount of Debt	Payment Method 1. Before 2. After 3. Along With Secured Creditors	Monthly Payment or Method of Disbursement
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*Continuation Sheet # 4*

**Totals:**

Administrative Claims	<u>\$2,499.00</u>
Arrearage Claims	<u>\$0.00</u>
Secured Claims	<u>\$121,362.47</u>
Priority Claims	<u>\$0.00</u>
Unsecured Claims	<u>\$146,655.30</u>
Cure Claims	<u>\$0.00</u>

H. Lien Avoidance under 11 U.S.C. § 522(f)

**MOTION TO AVOID LIENS UNDER 11 U.S.C. § 522(f)**

Debtor moves to avoid the following liens that impair exemptions. Objections to Lien Avoidance as proposed in this plan must be filed no later than fourteen (14) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the plan. (Debtor must list the specific exempt property said lien impairs and the basis of the lien, i.e. judicial, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks

**IV. General Information**

**Notice:    Local Rule 3002 provides, in part:**

*"Every Creditor filing a Proof of Claim in all cases shall transmit a copy with attachments, if any, to the Debtor's Attorney (or the Debtor if the Debtor is pro se)."*

**Limiting Notice After Deadline to File a Proof of Claim:**

For pleadings requiring notice on all creditors and filed after the deadline to file a proof of claim, parties in interest need only serve the Limited Notice List and the Limited Notice List shall include the following:

- a. the United States Trustee for the Western District of Texas, Austin Division;
- b. the Chapter 13 Trustee for the Western District of Texas, Austin Division;
- c. the Debtor(s) unsecured creditors or their respective counsel, provided however that they filed a claim or notice of appearance;
- d. all secured creditors in this case or their counsel;
- e. all taxing authorities holding claims against the Debtor(s);
- f. all parties who have, by notice of entry of appearance advised the Court and counsel for the Debtor(s) that they desire to receive notices herein;
- g. government agencies required to receive notice under the Bankruptcy Rules and above-named.

Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. The deadline for the filing of objections to confirmation is fourteen (14) days prior to the confirmation hearing.

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**AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE**

*Continuation Sheet # 5*

Respectfully submitted this date: 3/13/2015.

**/s/ Rosa Lee Warren**

Rosa Lee Warren  
13900 Briarcreek Loop  
Manor, TX 78653-4670  
(Debtor)

**/s/ Jerry Wayne Warren**

Jerry Wayne Warren  
13900 Briarcreek Loop  
Manor, TX 78653-4670  
(Joint Debtor)

**/s/ Douglas J. Powell**

Douglas J. Powell  
820 W. 10th St.  
Austin, TX 78701  
Phone: (512) 476-2457 / Fax: (512) 477-4503  
(Attorney for Debtor)

**UNITED STATES BANKRUPTCY COURT  
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*Debtor*

CASE NO.

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*Joint Debtor*

CHAPTER 13

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that on March 16, 2015, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

**/s/ Douglas J. Powell**

Douglas J. Powell  
Bar ID:  
Law Offices of Douglas J. Powell, P.C.  
820 W. 10th St.  
Austin, TX 78701  
(512) 476-2457

A+ Credit Union  
PO Box 790408  
St. Louis, MO 63179-0408

Arrow Financial Services LLC  
5996 W. Touhy Ave  
Niles, IL 60714-4610

Capital One Card  
xxxxxxx xxxxxx xx 7354  
Attn: Bankruptcy Department  
P.O. Box 30285  
Salt Lake City, UT 84130-0285

A+ F.C.U.  
xxxxxx7908  
P.O. Box 14867  
Austin, TX 78761-4867

Bass & Associates  
3936 E. Fort Lowell Road  
Suite 200  
Tucson, AZ 85712-1083

Capital One NA  
P.O. Box 26625  
Richmond, VA 23261

A+ F.C.U.  
P.O. Box 14867  
Austin, TX 78761-4867

Brackenridge Hospital  
601 East 15th Street  
Austin, TX 78701

Cashland/Cash America Group  
1600 West 7th Street  
Fort Worth, TX 76102

Aqua Finance, Inc.  
xxxxxx1194  
P. O. Box 101928, Dept 612A  
Birmingham, AL 35210-6928

Briarcreek Owners Assoc., Inc.  
x0591  
P. O. Box 200145  
Austin, TX 78720

CCS Collections  
2 Wells Avenue  
Newton, MA 02459

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CHAPTER 13

**CERTIFICATE OF SERVICE**

(Continuation Sheet #1)

Clinical Pathology Associates  
P.O. Box 28770  
Austin, TX 78755-8770

Eastern Account System of  
Connecticut  
P.O. Box 837  
Newtown, CT 06470

I.C. Systems  
P.O. Box 64378  
Saint Paul, MN 55164

Comenity Bank/Lane Bryant  
4590 E. Broad Street  
Columbus, OH 43213

Enhanced Recovery Company, LLC  
8014 Bayberry Road  
Jacksonville, FL 32256-7412

Imperial Credit Systems  
125 N. Parkside Drive, Suite 302  
Colorado Springs, CO 80909

Complete Payment Recovery Services,  
Inc.  
3500 5th Street  
Northport, AL 35476

Financial Control Services  
6801 Sanger Avenue, Suite 195  
Waco, TX 76710

Internal Revenue Service  
P. O. Box 7346  
Philadelphia, PA 19101-7317

Conn's  
x3870\*\*\*\*  
PO Box 815867  
Dallas, TX 75234

Financial Control Svc.  
6801 Sanger Avenue, Suite 195  
Waco, TX 76710

Internal Revenue Service  
300 E. 8th St.  
STOP 5022 AUS  
Austin, TX 78701

Credit Management LP  
4200 International Pkwy  
Carrollton, TX 75007

First Premier Bank  
P. O. Box 5524  
Sioux Falls, SD 57117-5524

Jefferson Capital Systems  
16 McLeland Road  
Saint Cloud, MN 56303

Credit Management, LP  
4200 International Parkway  
Carrollton, TX 75007

General Revenue Corporation  
4660 Duke Drive, Suite 300  
Mason, OH 45040-8466

Merchants & Professional  
5508 Parkcrest Drive, Suite 21  
Austin, TX 78731

Deborah B. Langehennig  
3801 Capital of Texas Hwy, Suite 320  
Austin, TX

Heart Hospital of Austin  
P.O. Box 025437  
Miami, FL 33102-5437

MSB  
P.O. Box 16777  
Austin, TX 78761



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IN RE: Rosa Lee Warren  
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CHAPTER 13

**CERTIFICATE OF SERVICE**

(Continuation Sheet #2)

NCO Financial Systems, Inc.  
2135 E. Primrose, Suite Q  
Dept 200  
Springfield, MO 65804

Portfolio Recovery & Affiliates  
120 Corporate Blvd  
Suite 100  
Norfolk, VA 23502

TCEP- SMC & SNW  
P.O. Box 2283  
Mansfield, TX 76063-0047

NelNet LNS  
P.O. Box 1649  
Denver, CO 80201

Professional Placement Services, LLC  
P.O. Box 612  
Milwaukee, WI 53201-0612

Texas Department of Transportation  
P. O. Box 26487  
Austin, TX 78755

Northland Group Inc.  
P.O. Box 390846  
Minneapolis, MN 55439

Rosa Lee Warren  
13900 Briarcreek Loop  
Manor, TX 78653-4670

Time Warner Cable  
xxxxxxxxxxxx7598  
Legal Dept., 4th Floor  
10475 Park Meadows Dr.  
Littleton, CO 80124

Ocwen Federal Bank FSB  
xxxxxx8418  
P. O. Box 24781  
West Palm Beach, FL 33416-4781

Seton  
xxxxx9225  
1201 West 38th Street  
Austin, TX 78705

Travis County Emergency Physicians,  
P.A.  
P.O. Box 2283  
Mansfield, TX 76063-0047

Orchard Bank  
xxxx xxxx xxxx 9259  
HSBC Card Services  
P.O. Box 379  
Wood Dale, IL 60191-0379

Seton  
xxxxx3203  
1201 West 38th Street  
Austin, TX 78705

Tribute Card Services  
P.O. Box 105555  
Atlanta, GA 30348-5555

Perdue Brandon Fielder Collins & Mott  
1235 North Loop West  
Suite 600  
Houston, TX 77008

Seton Healthcare Network  
xxxxxxxx4875  
1345 Philomena St  
Austin, TX 78723

Trident Asset Management  
53 Perimeter Ctr E  
Suite 4  
Atlanta, GA 30346

Pioneer Credit Recovery, Inc.  
P.O. Box 99  
Arcade, NY 14009

Southern Handicapped Services, Inc.  
P.O. Box 1349  
Theodore, AL 36590-1349

U. S. Department of Education  
General Counsel's Office  
400 Maryland Avenue, S.W.  
Room 4091  
Washington, D.C. 20202

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*Debtor*

CASE NO.

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*Joint Debtor*

CHAPTER **13**

**CERTIFICATE OF SERVICE**  
(Continuation Sheet #3)

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U.S. Attorney  
601 N. W. Loop 410  
Suite 600  
San Antonio, TX 78216-5512

United Consumer Financial Services  
865 Bassett Road  
Westlake, OH 44145

US Dept of ED/GLELSI  
P.O. Box 7860  
Madison, WI 53707

US Dept of Education  
P.O. Box 5609  
Greenville, TX 75403-5609

Wakefield & Associates  
10800 E. Bethany Drive, Suite 4  
Aurora, CO 80014